



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Acton  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**

**Important:**  
When filling out  
forms on the  
computer, use  
only the tab key  
to move your  
cursor - do not  
use the return  
key.



1. Applicant:

David Capobianco/Atlantic Acton Realty L.P.

N/A

Name

E-Mail Address

205 Newbury Street

Mailing Address

Framingham

MA

01701

City/Town

State

Zip Code

508-626-0025

508-626-0106

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Woodard & Curran

Firm

Jack Troidl P.E., Project Engineer

jtroidl@woodardcurran.com

Contact Name

E-Mail Address

980 Washington Street

Mailing Address

Dedham

MA

02026

City/Town

State

Zip Code

781-251-0200

781-251-0847

Phone Number

Fax Number (if applicable)

**B. Determinations**

1. I request the Acton Conservation Commission make the following determination(s). Check any that apply:

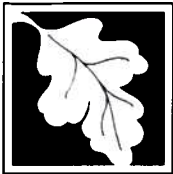
- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Town of Acton

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).





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**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

100 Powder Mill Road

Street Address

J-3

Assessors Map/Plat Number

Acton

City/Town

34-8

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The proposed work will be performed within the existing stormwater detention basin located to the southeast of Powdermill Plaza (see the attached site plan). The area was reviewed and determined not to be wetlands by Mr. Marcus Phinney of Land Use & Environmental Consultants and confirmed by the Acton Conservation Agent. The area is also described in the property's Stormwater Management System Operation and Maintenance Plan.

- c. Plan and/or Map Reference(s):

Attachment A – Site Locus Map

Title

Date

Attachment B – Powdermill Plaza Site Plan

3/2008

Title

Date

Additional attachments

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The proposed project includes stormwater systems maintenance at Powdermill Plaza. This work will include vegetative and sedimentation cleanup in the existing stormwater detention basin to lower the base elevation of the basin to the design elevation and clear debris and vegetation that acts as an impediment to proper function. Temporary erosion and sedimentation control measures will be implemented during the proposed work to mitigate stormwater runoff and will include hay bales and silt fence. All disturbed upland areas will be stabilized and revegetated, and all material removed from the project areas will be removed from the project areas and disposed of according to applicable regulations. See the attached project description.



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### C. Project Description (cont.)

- b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The stormwater systems maintenance at Powdermill Plaza will be limited to the existing detention basin and drain pipe connected to the basin. This area is isolated from the remaining vegetated portion of the Riverfront area by the impervious roadway Know Trail, with the exception of the 15" outflow pipe.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.
- ☐ Single family house on a lot recorded on or before 8/1/96
  - ☐ Single family house on a lot recorded after 8/1/96
  - ☐ Expansion of an existing structure on a lot recorded after 8/1/96
  - ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
  - ☐ New agriculture or aquaculture project
  - ☐ Public project where funds were appropriated prior to 8/7/96
  - ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
  - ☐ Residential subdivision; institutional, industrial, or commercial project
  - ☐ Municipal project
  - ☐ District, county, state, or federal government project
  - ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.
- b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Atlantic Acton Realty L.P. Contact: David Capobianco

Name

205 Newbury Street

Mailing Address

Framingham

City/Town

MA

State

01701

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Signature of Representative (if any)

Date

## Attachment A – Project Description

**Project Description: Powdermill Plaza Stormwater Management Systems Maintenance  
Acton, Massachusetts**

**Overview:**

The proposed project includes stormwater management systems maintenance at Powdermill Plaza. The work will include the installation of temporary erosion and sedimentation controls at the outlet of the existing detention basin. The stormwater systems maintenance work will occur within the limits of the existing stormwater detention area located to the Southeast of Powdermill Plaza. The limits of this work are shown on Attachment C – Powdermill Plaza Site Plan.

The stormwater system maintenance will be limited to the existing detention basin and draining piping connected to the basin.

Riverfront areas are significant to protect water supply, protect groundwater, to provide flood control, to prevent storm damage, to prevent pollution, and to protect wildlife habitat. The stormwater systems maintenance will occur in the pervious area of the detention basin that is separated from the remaining vegetated area within the Riverfront area by the impervious roadway Knox Trail. The project will have No Significant Adverse Impact to the resource area.

- a. The work will occur in the existing detention basin and will not degrade the Riverfront Area.
- b. The stormwater management systems maintenance will not result in an appreciable increase in runoff and will therefore not significantly affect stormwater runoff. The existing detention basin reduces runoff peak flows and provides infiltration of stormwater runoff. This project will improve the effectiveness of the basin and reduce potential flooding risks.
- c. Work will be performed within the existing detention basin which has been isolated from the remaining vegetated portion of the Riverfront Area with the exception of the 15" outflow pipe. As discussed above the work will consist of stormwater systems maintenance which will not further impair the capacity of the riverfront area to provide important wildlife habitat functions.
- d. Erosion and sedimentation control measures have been proposed during the work to attenuate nonpoint source pollution.

As shown in Attachment F and Attachment G, the project work will be located within habitat areas defined as NHESP 2006 MA Estimated Habitats of Rare Wildlife and NHESP 2006 MA Priority Habitats of Rare Species. Work will occur in the existing detention basin which is separated by Knox Trail, an impervious surface, from the Assabet River. The project work will not further degrade the Habitat value of the existing detention basin. The detention basin is unfenced and will remain that way.

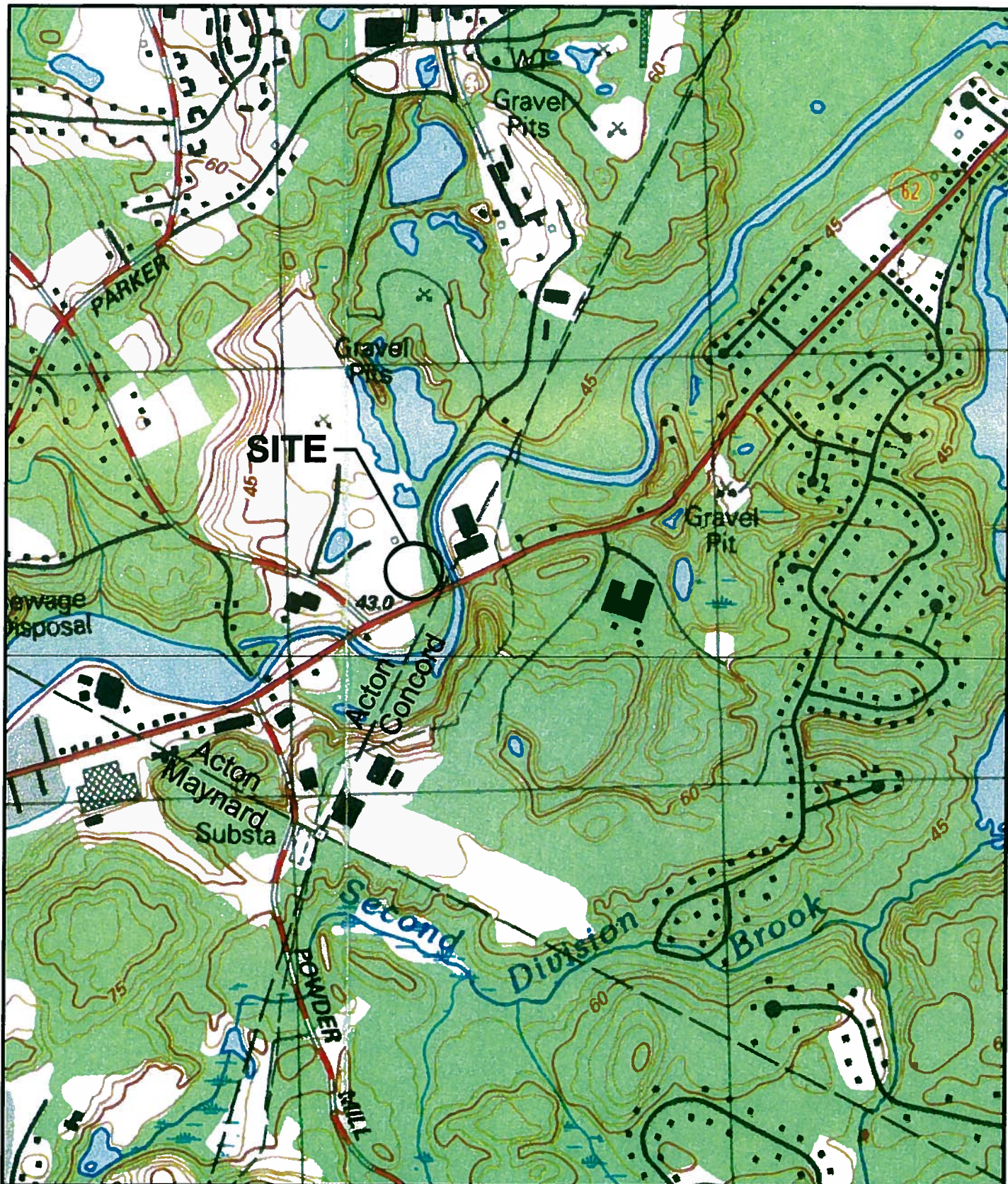
As shown in Attachment F the work is located within the Interim Wellhead Protection Area (IWPA) of Source ID #3067015-01G. This water supply is identified as a transient non-community (TNC) water supply. The project work is not anticipated to have any significant impact on this water supply source, but will rather increase the pollutant removal efficiency of the existing detention basin.

**Runoff Mitigation During Work:**

The project will not permanently adversely affect the drainage of the detention basin but temporary erosion control measures have been proposed. The project plans include two rows of haybales to act as a mitigation measure against stormwater runoff during maintenance work within the detention basin. The two rows will be located on both sides of the outlet pipe which crosses Knox Trail. This row of haybales and silt fence is shown on the enclosed plan sheet titled Attachment I - *"Typical Siltation Fence and Haybale Barrier Detail."* All disturbed upland area will be stabilized and revegetated. If material storage is required, it will be stored on the adjacent paved parking area and surrounded by temporary erosion controls. All material removed from the project areas will be removed from the site and properly disposed of according to applicable regulations.

## Attachment B – Site Locus Map





SOURCE:  
USGS TOPOGRAPHIC MAP

1000 0 1000 2000 Feet

## FIGURE 1: SITE LOCUS

Powdermill Plaza

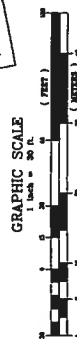
100 Powdermill Road, Acton, MA



**WOODARD & CURRAN**  
Engineering · Science · Operations



## **Attachment C – Stormwater Management System Maintenance Site Plan**



SAFETY LABEL IS SHOWN AS AEROSOLING NEXT 3-1  
REMARKS: THE FIRM BORN 1710L, PAGE 494.

Measure	Dates for use	Timing, Activity, and Location
Silt Fence	All	Before all clearing and soil disturbance. Install downwind of disturbed areas.
Silt Fence or Filter Berm	All	Before all clearing and soil disturbance, nearby protected areas. Install downwind of disturbed areas.
Stone Check Dams	All	Immediately following the construction of all disturbed areas. Install in stream channels to slow down water and trap sediment.
Hay Bales	All	Short term protection of catch basin inlets, and to add support to all fence or check dams.
Geotextile	All	Use to stabilize exposed soil and to control erosion.
Temporary Seeding	April 15 to Oct. 1	Soil stockpiles and disturbed land areas which will not be planted or covered with straw or mulch. Apply seed and straw from 100 to 200 lbs. per acre.
Mulch	April 15 to Sept. 15	On all areas of exposed soil and which will not be planted or covered with straw or mulch. Apply 2 to 3 inches (2 bales) per 1,000 sq. ft. within the 21 day window.
Winter Mulch	Sept. 15 to Oct. 31	On all areas of exposed soil and which will not be disturbed within 7 days. Apply 150 to 170 lbs. straw or mulch per 1,000 sq. ft. and mulch with plastic. Erosion control blanket may be added for steep slopes.
Erosion Control Blanket	Nov. 1 to April 14	On all areas of exposed soil and which will not be disturbed within 7 days. Apply 150 to 170 lbs. straw or mulch per 1,000 sq. ft. and mulch with plastic. Erosion control blanket may be added for steep slopes.
Erosion Control Blanket	All	Install immediately following seeding, stable slope, 25% or steeper grade, and conditions shown on plan. Erosion control blanket must be installed for stream bank stabilization. Erosion control blanket must be installed at least once a week and after significant storm events.
Inspections	Until site is permanently stabilized	Inspect for erosion control measures.

## Attachment D – Certified Abutters List



**Town of Acton**  
472 Main Street  
Acton, MA 01720  
Telephone (978) 264-9622  
Fax (978) 264-9630

Brian McMullen  
Assistant Assessor

**Locus:** 100 Powder Mill Rd  
**Parcel I.D.:** J3-34-8

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
284 HIGH ST	J3-34	ACTON WATER DISTRICT	WEST + SOUTH WATER SUPPLY	PO BOX 953	ACTON	MA	01720
76 POWDER MILL RD	J3-34-4	AUTOPLEX.I LLC		6 PROCTOR ST	ACTON	MA	01720
16 KNOX TRL-28	J3-34-5	ASSABET SAND LLC		16 KNOX TRL-28	ACTON	MA	01720
112 POWDER MILL RD	J3-37	VALLEY SPORTS INC		2320 MAIN STREET	CONCOI	MA	01742
77 POWDER MILL RD	J3-50	MILLWRIGHT INTERESTS INC		109 OLD STOW RD	CONCOI	MA	01742

The owner of land sharing a common boundary or corner with the site of the proposed activity in any direction, including land located directly across a street, way, creek, river, stream, brook or canal. The above are as they appear on the most recent applicable taxes.

*Kimberly Hoyt*  
Kimberly Hoyt  
Assessing Clerk  
Acton Assessors Office  
12-Sep-07



## Attachment E – Abutters Map

ABUTTERS MAP



VALLEY SPORTS INC  
112 POWDERMILL RD  
J3-37

ASSABET RIVER

KNOX TRAIL

ASSABET SAND LLC  
16 KNOX TRL-28  
J34-5

ACTON WATER DISTRICT  
288 HIGH ST  
J3-34

ATLANTIC ACTON REALTY L.P.  
100 POWDER MILL RD  
J3-34-8

HIGH STREET

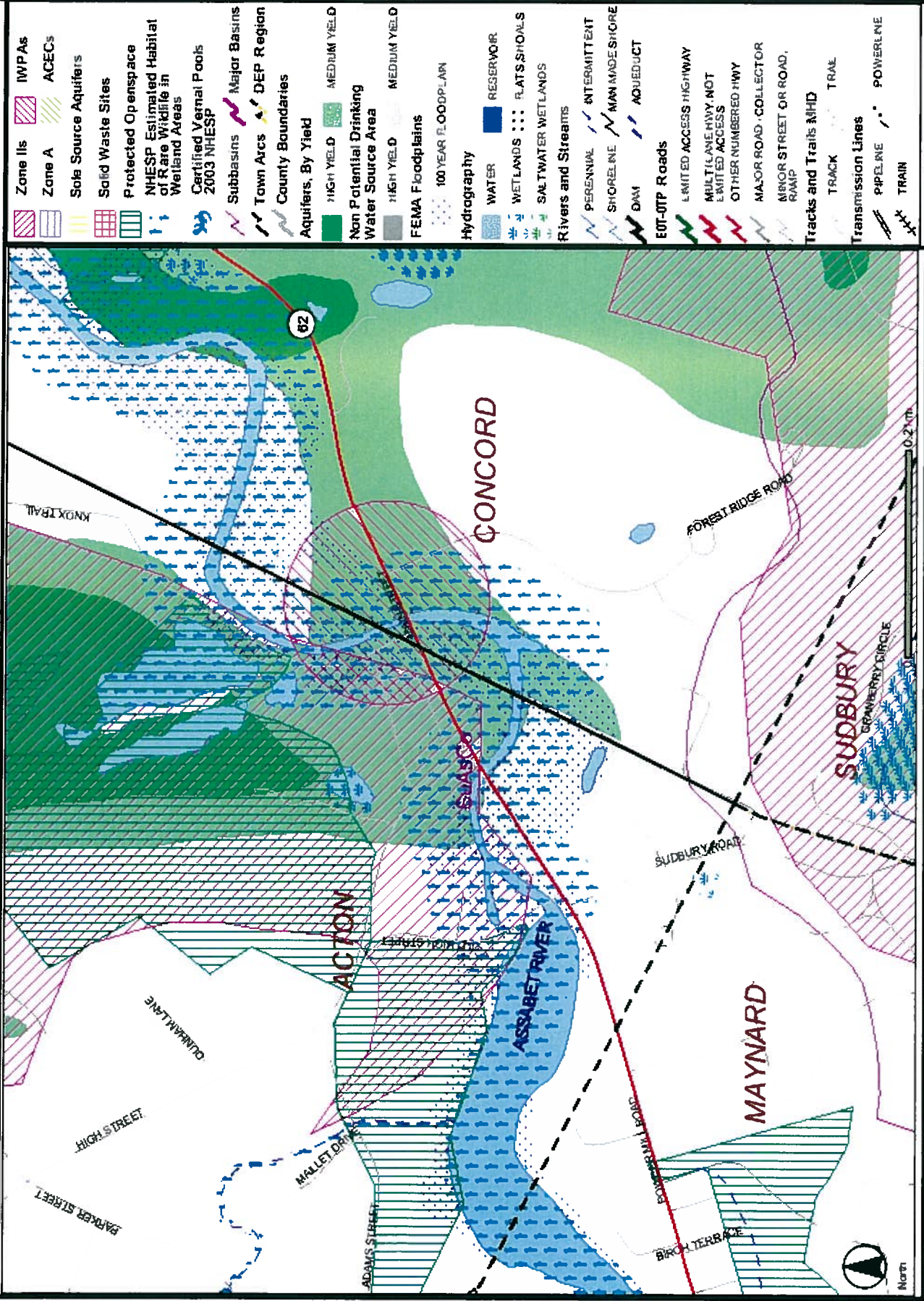
AUTOPLEX I LLC  
76 POWDERMILL RD  
J3-34-4

POWDER MILL ROAD

MILLWRIGHT INTERESTS INC  
77 POWDER MILL RD  
J3-50

## Attachment F – MassDEP Priority Resource Map

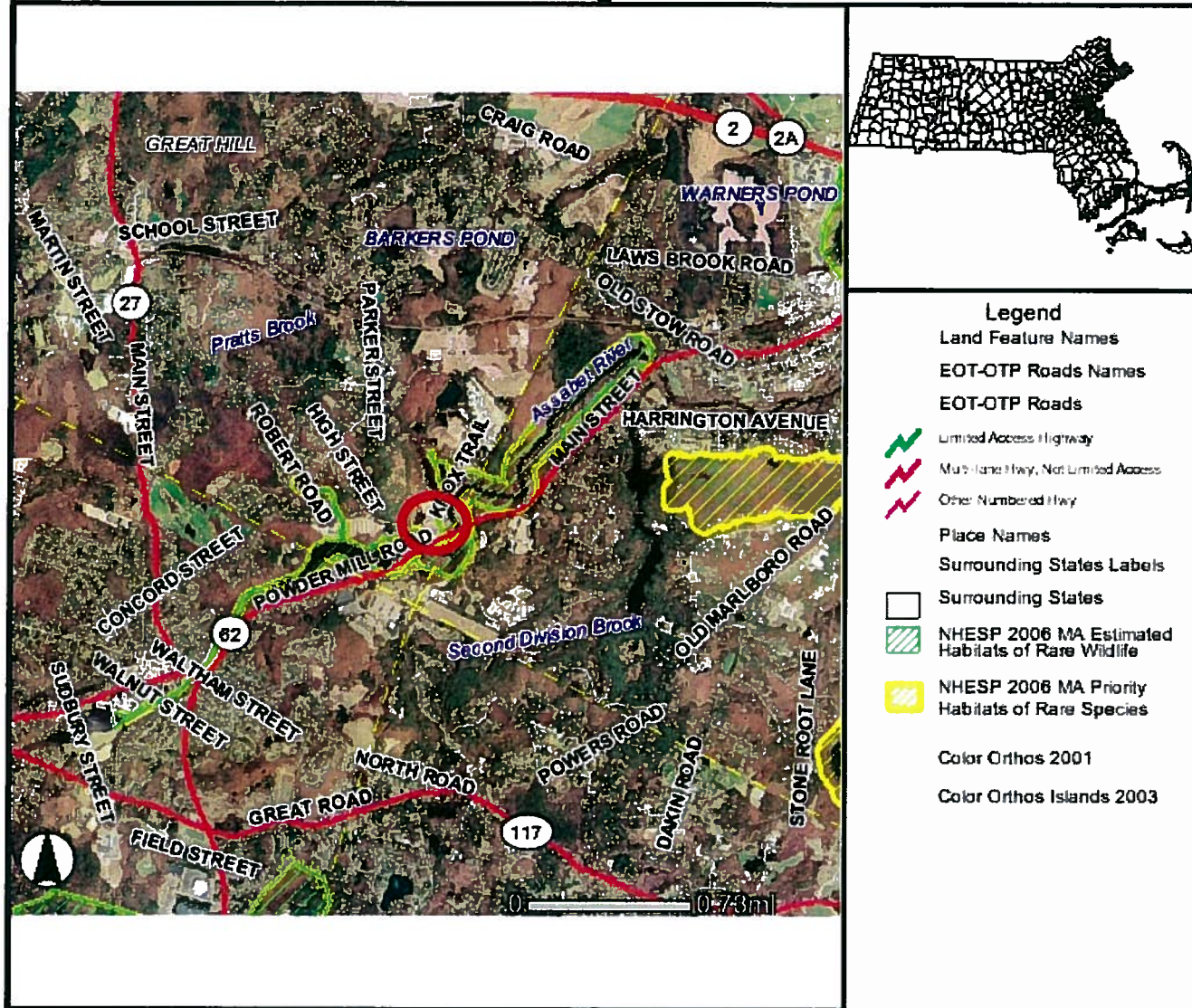
# DEP Priority Resource Map: Powdermill Plaza





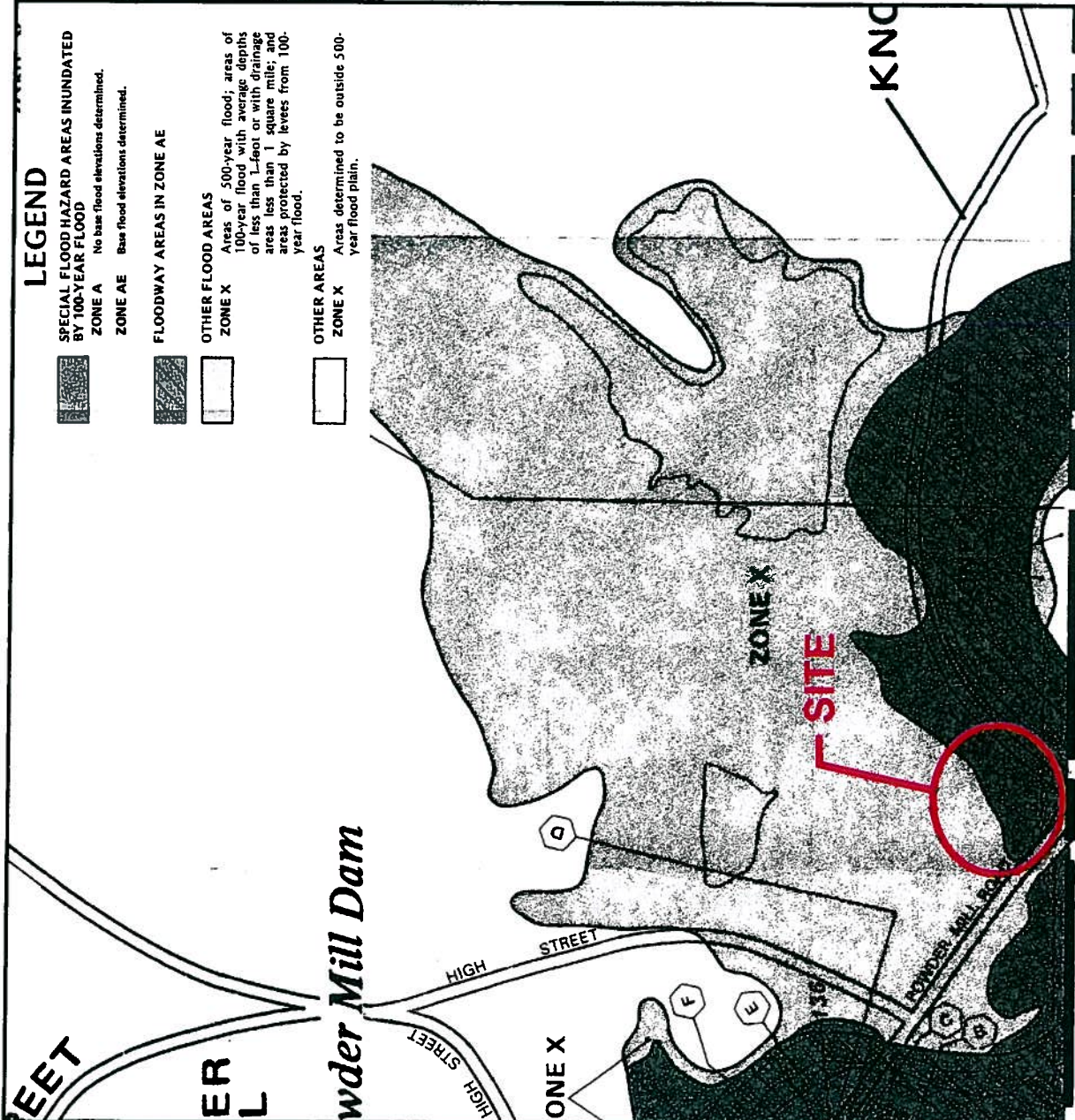
**Attachment G – Natural Heritage & Endangered Species Priority and  
Estimated Habitat**

# 2006 Priority Habitat and Estimated Habitat Natural Heritage & Endangered Species Program



## Attachment H – FEMA Flood Map



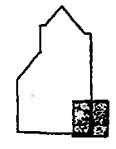


**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**  
**FLOOD INSURANCE RATE MAP**

**TOWN OF**  
**ACTON, MASSACHUSETTS**  
**MIDDLESEX COUNTY**

**PANEL 6 OF 8**  
(SEE MAP INDEX FOR PANELS NOT PRINTED)



**COMMUNITY-PANEL NUMBER**  
**250176 0006 C**

**MAP REVISED:**  
**JANUARY 6, 1988**

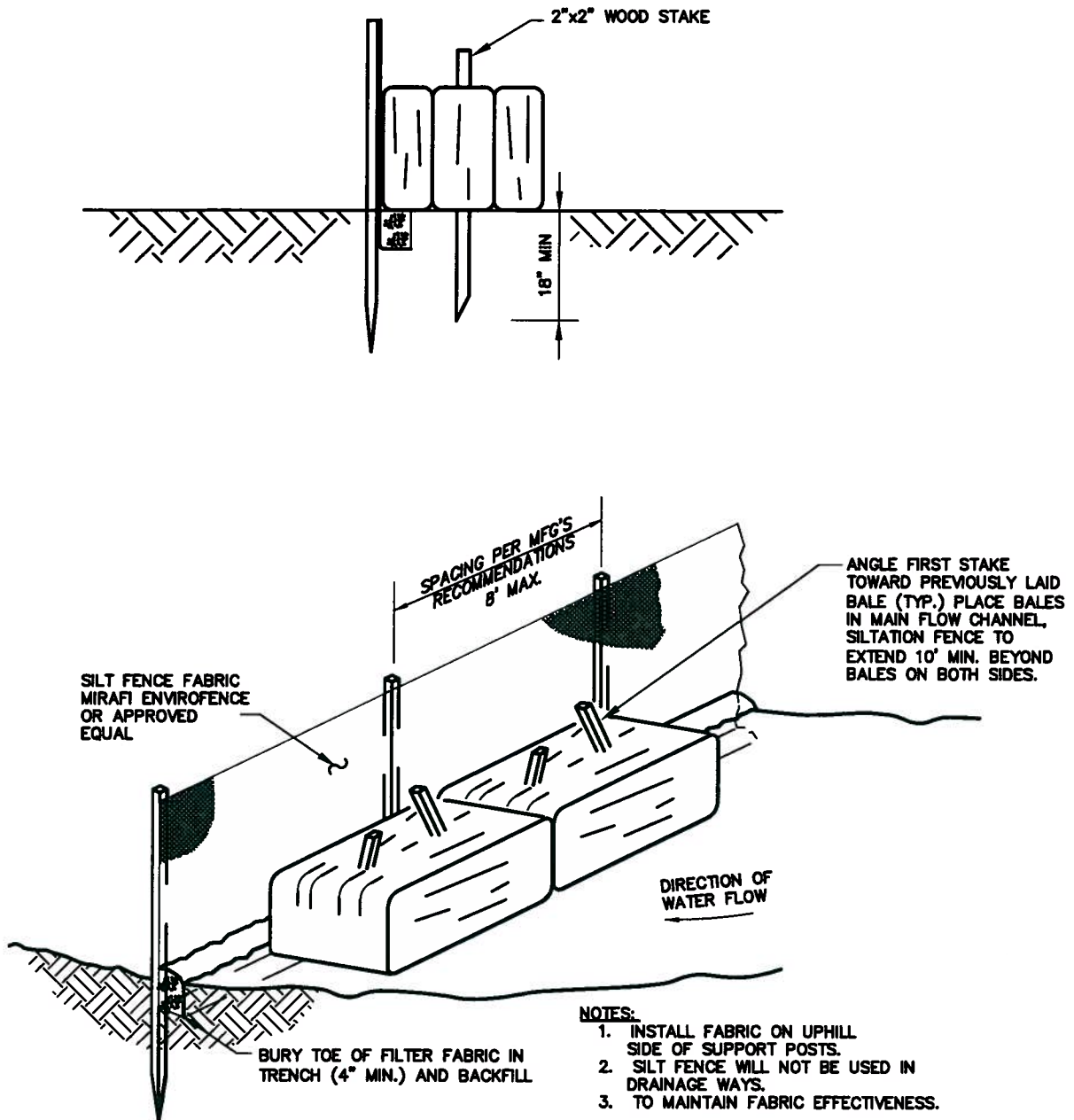


**Federal Emergency Management Agency**

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.fema.gov](http://www.fema.gov)



## Attachment I - Siltation Fence and Haybale Detail



## TYPICAL SILTATION FENCE/HAYBALE BARRIER DETAIL

N.T.S.



www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS

### POWDERMILL PLAZA HAYBALE & SILT FENCE DETAIL

DESIGNED BY: JCT  
DRAWN BY: JCT

CHECKED BY:  
NOI DRAWINGS.dwg

ATLANTIC ACTON REALTY L.P.  
FRAMINGHAM, MASSACHUSETTS

POWDERMILL PLAZA

JOB NO: 212756  
DATE: SEPT. 2007  
SCALE: AS SHOWN

8